

## Article 2. Definitions

### §15110. What terms need to be clarified to understand the Unified Program regulations?

(a) For purposes of this Division, the following terms have the following meanings. All Health and Safety Code citations reference Division 20 unless otherwise specified.

**Applicant Agency** means a county, city or other local agency which is applying to the Secretary to become a Unified Program Agency.

**Certified Unified Program Agency** or CUPA is an agency which has been certified pursuant to the requirements of Chapter 6.11 and these regulations.

**Consolidated Permit** means those permits required to be consolidated pursuant to Health and Safety Code, Section 25404(c) and other permits not specifically required by Health and Safety Code Section 25404(c) but included within a Unified Program. The Consolidated Permit may be a single permit or multiple permits in a single package which shall minimize duplicate information.

**Enforcement Actions**. There are the following types of Unified Program enforcement actions:

(1) **Formal Enforcement** is an action which mandates compliance and initiates a civil, criminal, or administrative process which results in an enforceable agreement or order. Enforceable means the instrument creates an independent, affirmative obligation to comply and imposes sanctions for the prior failure to comply. Sanctions include fines and penalties as well as other tangible obligations, beyond returning to compliance, that are imposed upon the regulated. Examples include administrative orders and civil and criminal referrals to the appropriate prosecutor.

(2) **Informal Enforcement** is an action other than a formal enforcement action that notifies the regulated business of its non-compliance and establishes a date by which that non-compliance is to be corrected. Examples include a letter or notice of violation. Informal actions do not impose sanctions.

(3) **Integrated or Multi-media Enforcement** is a formal enforcement action involving either Unified Program and non-Unified Program Agencies or involving more than one environmental medium (i.e.; air, water, soil). An integrated or multimedia enforcement requires more than one agency's involvement or one medium-specific action to bring about compliance or to abate, investigate, prosecute, or remediate the violations.

**Inspection Categories**. There are four (4) categories of Unified Program inspections. One inspection may be reported in more than one category:

(1) **Single Program Inspection** is an inspection of a regulated business conducted by one inspector for only one Unified Program element.

(2) **Combined Inspection** is an inspection of a regulated business conducted by one inspector representing two or more Unified Program elements or other program elements.

(3) **Joint Inspection** is an inspection of a regulated business, conducted by two or more inspectors representing different Unified Program Agencies

within a CUPA, specifically to evaluate operations within the expertise of those regulatory agencies.

(4) **Integrated or Multi-media Inspection** is an inspection either involving Unified Program and non-Unified Program Agencies and/or involving more than one environmental medium (i.e.; air, water, soil) of a regulated business that results in consolidating inspections.

**Inspection Types.** There are two (2) types of Unified Program inspections, which for reporting purposes are mutually exclusive:

(1) **Routine Inspection** is a regularly scheduled inspection to evaluate compliance pursuant to one or more program elements.

(2) **Other Inspection** includes, but is not limited to, regulatory field activity such as complaint investigations, enforcement follow-up, closures, tank installation and/or removal oversight, tank cleaning, and release investigations. It does not include routine inspections or field or site visits whose principle purposes are informational or educational, pollution prevention education, verification of administrative information, or orientation of new owners or operators. "Other Inspection" also includes verification inspections for the administrative requirement of subdivision (c) of Section 25270.5 for owners and operators of aboveground storage tanks to prepare a spill prevention control and countermeasure plan.

**Participating Agency** is an agency which has a formal agreement with the CUPA to implement and enforce a program element as part of the Unified Program.

**Program Element** is a program listed in Health and Safety Code, Section 25404(c), or it may be a program other than those mandated in Health and Safety Code, Section 25404(c) which is voluntarily consolidated into a Unified Program, to be carried out in conjunction with a program listed in 25404(c).

**Regulated Business** means any of the following:

(1) "person" as defined in: (A) the Hazardous Waste Management Program, Health and Safety Code, Chapter 6.5, Section 25118 and (B) the California Hazardous Substances Tax Law, Revenue and Taxation Code Part 22, Division 2, Section 43006.

(2) "business" as defined in the Hazardous Materials Emergency Response Plan and Inventory (Business Plan) program, Health and Safety Code, Chapter 6.95, Section 25501(d).

(3) "facility" as defined in the Underground Storage Tank Program, Health and Safety Code, Chapter 6.7, Section 25281(e).

(4) "tank facility" as defined in the Aboveground Storage Tank Program, Health and Safety Code, Chapter 6.67, Section 25270.2(l).

(5) "hazardous waste facility" as defined in the Hazardous Waste Management Program, Health and Safety Code, Chapter 6.5, Section 25117.1.

(6) "stationary source" as defined in the California Accidental Release Prevention Program, Health and Safety Code, Chapter 6.95, Section 25532(k).

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**Responsible Agency** is the Certified Unified Program Agency (CUPA) or participating agency (PA), which implements a particular program element of the Unified Program.

**Service charge** means surcharge as described in Section 25404.5(b) of the Health and Safety Code.

**Unified Program Data Dictionary** (data dictionary) defines data elements, data field size and type, and edit criteria for regulatory data that shall be collected and retained by a CUPA. It has the following sections:

- (1) Business Section: for information reported from businesses to CUPAs.[Appendix C]
- (2) CUPA Section: for CUPA-to-State reporting of CUPA activities or other information that shall be collected and retained by a CUPA and reported pursuant to Section 15290. [Appendix D]

**Unified Program Consolidated Form** (UPCF) is a form used by Unified Program regulated businesses to provide a standardized document to satisfy numerous business-to-CUPA reporting requirements. It consolidates information regulated businesses are required to provide for different program elements to the CUPA. It incorporates or replaces previous state and local forms for Unified Program program elements. The UPCF consists of the sections described in Section 15410 and is found in Appendix E.

Authority cited: Sections 25404(b), (c), (d) and (e), Health and Safety Code. Reference: Sections 25404(c) and (d), 25404.5(a) and 25532(k), Health and Safety Code; Section 43006, Revenue and Taxation Code; and the 1996 United States Environmental Protection Agency Enforcement Response Policy for the Resource Conservation and Recovery Act.

## **HISTORY**

1. New article 2 and section filed 11-14-94 as an emergency; operative 11-14-94 (Register 94, No. 46). A Certificate of Compliance must be transmitted to OAL by 3-20-95 or emergency language will be repealed by operation of law on the following day.
2. New article 2 and section refiled 3-7-95 as an emergency; operative 3-7-95 (Register 95, No. 10). A Certificate of Compliance must be transmitted to OAL by 7-5-95 or emergency language will be repealed by operation of law on the following day.
3. New article 2 and section refiled 7-7-95; operative 7-7-95 (Register 95, No. 27). A Certificate of Compliance must be transmitted to OAL by 11-4-95 or emergency language will be repealed by operation of law on the following day.
4. New article 2 and section refiled 11-3-95 as an emergency; operative 11-3-95 (Register 95, No. 44). A Certificate of Compliance must be transmitted to OAL by 3-2-96 or emergency language will be repealed by operation of law on the following day.
5. Certificate of Compliance as to 11-14-94 order including amendment of subsections (a)(3)-(a)(7), (a)(9)-(a)(11) and repealer of subsection (a)(12) transmitted to OAL 12-15-95 and filed 1-31-96 (Register 96, No. 5).
6. Amendment of section and Note filed 1-8-99 as an emergency; operative 1-8-99 (Register 99, No. 2). A Certificate of Compliance must be transmitted to OAL by 5-10-99 or emergency language will be repealed by operation of law on the following day.
7. Certificate of Compliance as to 1-8-99 order, including further amendments, transmitted to OAL 4-2-99 and filed 5-14-99 (Register 99, No. 20).
8. Amendment of subsection (d)(6) and Note filed 3-5-2002; operative 3-5-2002 (Register 2002, No. 10).